

California Regional Water Quality Control Board
Santa Ana Region

IN THE MATTER OF:)	
)	
Colton/San Bernardino Regional Tertiary)	
Treatment and Water Reclamation Authority)	Complaint No. 01-109
399 Chandler Place)	for
San Bernardino, California 92408)	Mandatory Penalties

YOU ARE HEREBY GIVEN NOTICE THAT:

1. Colton/San Bernardino Regional Tertiary Treatment and Water Reclamation Authority (CSBRTT&WRA) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board (Board), Santa Ana Region, must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385 (i).
2. A hearing concerning this complaint will be held before the Board within 60 days of the date of issuance of this complaint, unless the CSBRTT&WRA waives its right to a hearing. Waiver procedures are specified on Page 2 of this complaint. If the hearing in this matter is not waived, the hearing will be held during the Board's regular meeting on December 7, 2001 at the Council Chambers of the City of Loma Linda, 25541 Barton Road, Loma Linda, California. CSBRTT&WRA or its representatives will have an opportunity to appear and be heard and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda and announcement for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. If the December 7, 2001 hearing is held, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
 - a. On July 16, 1993, the Board adopted Waste Discharge Requirements Order No. 93-45 (NPDES No. CA8000304), for CSBRTT&WRA. These requirements regulate discharges of waste from CSBRTT&WRA's Regional Tertiary Treatment and Rapid Infiltration and Extraction Facility (RIX).
 - b. CSBRTT&WRA submitted self-monitoring reports (January 2001 – June 2001) from RIX, which show effluent limit violations of Total Coliform (TC) densities. These violations are summarized on Attachment "A" which is Page 4 of this complaint.

5. Water Code Section 13385 (h) and (i) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation.
6. As shown in Attachment "A", CSBRTT&WRA incurred a total of eighty-one violations between January 2001 and June 2001. For the six-month period covered by Complaint No. 01-109, three non-serious violations, that occurred during January and February 2001, are not subject to penalty assessments.
7. Seventy-eight violations out of the total of eighty-one violations are subject to mandatory minimum penalties of \$3,000 for each violation. In accordance with Water Code Section 13385 (i), the mandatory minimum penalties for the seventy-eight effluent limit violations cited in Attachment "A" are \$234,000.
8. In accordance with Water Code Section 13385(c), the Board may impose administrative civil liability for the eighty-one violations cited in Attachment "A". The maximum administrative civil liability which may be imposed for these violations is \$810,000.
9. The Executive Officer proposes that mandatory penalties of \$234,000 be imposed on CSBRTT&WRA by the Board for the violations cited above.
10. You may waive your right to a hearing. If you waive your right to a hearing, please sign the attached waiver, which is Page 5 of this complaint, and return it together with a check payable to the State Water Resources Control Board in the amount of the mandatory penalties proposed in paragraph 9, above. Send the check and waiver to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions regarding this complaint, please contact the undersigned, at (909) 782-3284, or Gary D. Stewart, Surveillance and Enforcement Section Chief at (909) 782-4379, or the Board's staff counsel, Jorge Leon, at (916) 341-5180.

Date

Gerard J. Thibeault
Executive Officer

ATTACHMENT "A"

MONTH/YEAR	TOTAL COLIFORM VIOLATIONS > 2.2 MPN/100 mL AS 7-DAY MEDIAN	TOTAL COLIFORM VIOLATIONS > 23 MPN/100 mL MORE THAN ONCE IN A 30-DAY PERIOD	NUMBER OF VIOLATIONS	NUMBER OF VIOLATIONS SUBJECT TO MANDATORY PENALTIES
January 2001	2	0	2	0
February 2001	10	0	10	9
March 2001	24	1	25	25
April 2001	28	0	28	28
May 2001	11	2	13	13
June 2001	3	0	3	3
TOTAL	78	3	81	78

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WAIVER OF HEARING

CSBRTT&WRA agrees to waive its right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-109. CSBRTT&WRA has enclosed a check made payable to the State Water Resources Control Board in the amount of \$234,000 in settlement of Complaint No. 01-109. CSBRTT&WRA understands that it is giving up its right to be heard and to argue against allegations made by the Executive Officer in Complaint No. 01-109, and against the imposition of, and amount of, the mandatory penalties.

Date

for CSBRTT&WRA